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EXAMINER

DEGA, MURALI K

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/539,358	Applicant(s) KAMPERMAN ET AL.	
	Examiner MURALI K. DEGA	Art Unit 4176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) None is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20070501</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 17 is rejected as the claimed invention is directed to non-statutory subject matter. A signal is not a process, machine, manufacture or composition of matter and as such is not a patentable subject matter.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 4-16 and 18 are rejected under 35 U.S.C. 102(e) as being unpatentable by Inoue et al. (US 2003/0028622) herein after referred to as Inoue.

5. With regards to claim 1:

6. Inoue discloses a method of controlling access to a content item in a system comprising a set of devices, the method comprising a step of associating at least one usage right with the content item (Figs. 1, 8, Abstract, ¶¶ [0037] and [137], a set of devices in a network content distribution working based on usage rules associated with content is described).

- The method further comprises decomposing the usage right into a set of partial rights (Abstract, ¶¶ [036], [037] and [045] usage rules are described where the management server issues partial license that enables playback of content based on usage rules).
- Subsequently separately signing each one of the set of partial rights, resulting in a corresponding signature (¶ [006] describes a management server that manages usage rules that govern the content use by different terminals or devices, is a functional equivalent of division of rights and authentication of rights by the license management server).

7. With regards to claim 2:

8. Inoue discloses wherein at least one device in the system is able to access and exercise at least one of the partial rights after verification of the corresponding signature (Figs. 1 and 8, ¶¶ [001] and [006] where the terminal devices are displayed and the terminal device playing the distributed content in accordance with the rights restrictions placed by the controlling terminal device is described).

9. With regards to claim 4:

10. Inoue discloses wherein at least one of the partial rights can only be exercised a limited number of times (¶¶ [004], [082] and [0137] where the usage right corresponding to the number of times the content can be used is described).

11. With regards to claim 5:

12. Inoue discloses wherein the method further comprises a step where one device of the set of devices verifies whether the partial right and the issuer thereof have both not been revoked before exercising the partial right (Fig. 1, ¶¶ [118] and [148] where one device checking the licensed right being available in response to the request from a different device is described).

13. With regards to claim 6:

14. Inoue discloses wherein said system comprises a set of devices, making up a domain comprising of devices which are related to a household or limited group of consumers (Figs. 1 and 8, Abstract, ¶¶ [007] and [009] where related devices in a home are described and distribution of content with restricted licenses is described)

15. With regards to claim 7:

16. Inoue discloses wherein a minimum required protection level of at least one partial right is indicated along with the partial right (Abstract, ¶¶ [046] and [051] where a control unit managing the required protection levels based on usage rules maintained in the database is described).

17. With regards to claim 8:

18. Inoue discloses wherein a minimum required protection level of at least one partial right is derived implicitly from the type of the partial right (Abstract, ¶¶ [046], [048], [049] and [051] where the rule database deriving the restrictions from the parental terminal for maintaining partial rights information for the child terminals is described).

19. With regards to claim 9:

20. Inoue discloses wherein the method further comprises allowing at least one device in the system, to identify a different device, to subsequently sign information comprising a combination of at least one partial right and at least one out of an identification of the domain, an identification of the different device, and information about length and validity of the partial right, and to subsequently transfer this signed combination to the different device (¶ [006] describes a management server that manages usage rules that govern the content use by different terminals or devices, is a functional equivalent of division of rights and authentication of rights by the license management server, ¶¶ [038] and [080] where terminal device identifiers and license identifiers are disclosed and further ¶[058] discloses transfer of content requests, license and content transfers).

21. With regards to claim 10:

22. Inoue discloses wherein the method further comprises allowing at least one device in the system, to identify a different device, to subsequently sign at least one partial right; and to subsequently transfer the signed partial right to the different device

(¶ [006] describes a management server that manages usage rules that govern the content use by different terminals or devices, is a functional equivalent of division of rights and authentication of rights by the license management server, ¶¶ [038] and [080] where terminal device identifiers and license identifiers are disclosed and further ¶[058] discloses transfer of content requests, license and content transfers).

23. With regards to claim 11:

24. Inoue discloses wherein the different device participates as representing a different domain (¶¶[176] and [177] where different users being divided in to different groups is described which is functional equivalent of dividing in to different domains).

25. With regards to claim 12:

26. Inoue discloses wherein the transfer to the different device is allowed to occur only after at least one of the device and the different device has been verified by the other device to be at least one of being compliant and being non revoked (Fig. 1, ¶¶ [118] and [148] where one device checking the licensed right being available in response to the request from a different device is described).

27. With regards to claim 13:

28. Inoue discloses wherein the partial right is revoked or deleted by the device which transfers the right to the different device (¶ [105] describes the management server managing the access to the content from the terminal device not authorized to access the content and the connection being cut-off).

29. With regards to claim 14:

30. Inoue discloses wherein the method further comprising allowing at least one device in the system, wherein the usage right is associated with the content item by a content provider, wherein the usage right comprises an offer right (for a specific right), the method further comprising requesting the content provider to execute the offer right and deliver the specific right to a specified third party, upon which the content provider, after verification of conditions that may apply, delivers the specific right directly to the specified third party (Fig. 1 and 8, ¶¶ [006], [037] and [045] where content server, distribution management server are depicted as well as request for content, rights verification and rights restriction based on usage rules are described).

31. With regards to claim 15:

32. Inoue discloses a client system comprising a set of devices, the client system being arranged to perform access control to a content item, with handling means for a usage right associated with the content item, characterized in that the usage right is a set of individually signed partial rights, and the client system is being arranged to verify individually and handle individually the partial rights (Figs. 1, 8, Abstract, ¶¶ [0037] and [137], a set of devices in a network content distribution working based on usage rules associated with content is described and ¶ [006] describes a management server that manages usage rules that govern the content use by different terminals or devices, is a functional equivalent of division of rights and authentication of rights by the license management server).

33. With regards to claim 16:

34. Inoue discloses a server system being arranged to perform access control to a content item, the server system further associating at least one usage right with the content item, characterized in that the server system has means to decompose the usage right into a set of partial rights, the server system further has a signing part being arranged to subsequently separately sign each one of the set of partial rights, and is arranged to bundle the individually signed partial rights into a set of individually signed partial rights (¶ [006] describes a management server that manages usage rules that govern the content use by different terminals or devices, is a functional equivalent of division of rights and authentication of rights by the license management server, ¶¶ [038] and [080] where terminal device identifiers and license identifiers are disclosed and further ¶[058] discloses transfer of content requests, license and content transfers).

35. With regards to claim 18:

36. Inoue discloses a device arranged to perform access control to a content item, being able to handle a usage right associated with the content item, characterized in that the device is further arranged to handle the usage right which has been split into partial rights each of the partial rights having a digital signature (¶ [006] describes a management server that manages usage rules that govern the content use by different terminals or devices, is a functional equivalent of division of rights and authentication of rights by the license management server).

Claim Rejections - 35 USC § 103

37. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

38. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

39. Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue as applied to claims 1,2, 4-16 and 18 above, and further in view of Ishibashi (US 7,353,541).

40. With respect to claim 3:

41. Inoue discloses wherein one of the partial rights associated with the content item comprises one of a render right, a transfer right, an offer right, a derivative work right, and a utility right Inoue discloses all the above limitations but does not explicitly disclose existence of particular rights. However, Ishibashi discloses (Col. 22, ll. 55-68) different rights such as reproduction right, utilization right, copying right and transfer right are described. It would have been obvious to one of ordinary skill in the art, at the time of

invention to have modified Inoue to include different types of rights in accordance with the teachings of Ishibashi, in order to divide or split the content license in to various types of rights to grant license to the content limiting to the partial right, Since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Conclusion

42. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Tewari et al. (US 2003/0097564) -- A system of content distribution that checks the user request for authorization and delivers the hashed content.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MURALI K. DEGA whose telephone number is (571) 270-5394. The examiner can normally be reached Monday to Thursday 7.30 to 5.00 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry O'Connor can be reached on (571) 272-6787. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

/M. K. D./
Examiner, Art Unit 4176
August 1, 2008

/Gerald J. O'Connor/
Supervisory Patent Examiner
Group Art Unit 4176